

**2017 -- H 5805 SUBSTITUTE A**

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LC001735/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Introduced By: Representatives Handy, Carson, McEntee, Fogarty, and Donovan

Date Introduced: March 01, 2017

Referred To: House Finance

(Dept. of Environmental Management)

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 42-17.1-4 of the General Laws in Chapter 42-17.1 entitled  
2 "Department of Environmental Management" is hereby amended to read as follows:

3           **42-17.1-4. Divisions within department.**

4           Within the department of environmental management there are established the following  
5 divisions:

6           (1) A division of parks and recreation that shall carry out those functions of the  
7 department relating to the operation and maintenance of parks and recreation areas and the  
8 establishment and maintenance of such additional recreation areas as may from time to time be  
9 acquired and such other functions and duties as may from time to time be assigned by the  
10 director;

11           (2) A division of fish and wildlife management that shall carry out those functions of the  
12 department relating to the administration and management of hunting, and freshwater fishing, ~~and~~  
13 ~~shell fisheries~~; the preservation of wetlands, marsh lands, and wildlife; and such other related  
14 functions and duties as may ~~from time to time~~ be assigned by the director;

15           (3) A division of agriculture that shall carry out those functions of the department relating  
16 to agriculture, and such other functions and duties as may from time to time be assigned by the  
17 director, including, but not limited to, plant industry, farm viability, marketing and promotion,  
18 farmland ecology and protection, plant and animal health and quarantine, pesticides, mosquito

1 abatement, pest survey and response, food policy and security, and, in collaboration with the  
2 department of health, public health as it relates to farm production and direct marketing of farm  
3 products, and those agreed upon through memorandum of agreement with the department of  
4 health or other state agencies. The department of health shall continue to act as the lead agency  
5 for all public health issues in the state pursuant to chapter 1 of title 23. Nothing herein contained  
6 shall limit the department of health's statutory authority, nor shall any provision herein be  
7 construed as a limitation upon the statutory authority of the department of health granted to the  
8 department under title 23 of the general laws, nor shall any provision herein be construed to limit  
9 the authority of the department of environmental management to enter into memoranda of  
10 agreement with any governmental agency. The chief of the division of agriculture shall report  
11 directly to the director.

12 (4) A division of coastal resources that shall carry out those functions of the department  
13 relating to harbors and harbor lines, pilotage, flood control, shore development, construction of  
14 port facilities, and the registration of boats and such other functions and duties as may, from time  
15 to time, be assigned by the director, except that the division shall not be responsible for the  
16 functions of inspection of dams and reservoirs, approving plans for construction or improvement  
17 of dams, reservoirs, and other structures in non-tidal waters, and the operation of stream-gauging  
18 stations in cooperation with the United States Geological Survey, and provided, further, that the  
19 division and its staff shall be responsible through the director of environmental management, to  
20 the coastal resources management council, and the chief and the staff of the division shall serve  
21 as staff to the council;

22 (5) A division of planning and development that shall carry out those functions of the  
23 department relating to planning, programming, acquisition of land, engineering studies, and such  
24 other studies, as the director may direct, and that shall work with the board of governors for  
25 higher education and the board of regents for elementary and secondary education, with  
26 educational institutions at all levels, and with the public in the dissemination of information and  
27 education relating to natural resources, and shall perform the publication and public relations  
28 functions of the department, the functions of inspection of dams and reservoirs, approving plans  
29 for construction or improvement of dams, reservoirs, and other structures in non-tidal waters, and  
30 the operation of stream-gauging stations in cooperation with the United States Geological Survey;

31 (6) A division of enforcement that shall enforce all of the laws and regulations of the  
32 department and the coastal resources management council, that shall cooperate with the other  
33 enforcement agencies of the state and its municipalities, and that shall administer all of the  
34 policing, enforcing, licensing, registration, and inspection functions of the department and such

1 other functions and duties as may, from time to time, be assigned by the director;

2 (7) A division of forest environment that shall carry out those functions of the department  
3 relating to the administration of forests and natural areas, including programs for utilization,  
4 conservation, forest fire protection, and improvements of these areas; assisting other agencies and  
5 local governments in urban programs relating to trees, forests, green belts, and environment and  
6 such other functions and duties as may, from time to time, be assigned by the director; and

7 (8) (i) A division of boating safety that shall carry out those functions of the department  
8 relating to the development and administration of a coordinated, safe boating program in  
9 accordance with the Model Safe Boating Act of 1971 as approved by the National Association of  
10 State Boating Law Administrators.

11 (ii) Administration of the division of boating safety shall be the responsibility of the state  
12 boating law administrator whose duties shall include:

13 (A) The enforcement of all laws relating to the act; and

14 (B) The powers vested in the state boating law administrator and boating safety  
15 enforcement officer shall include the enforcement of laws, rules and regulations relating to  
16 "Regulation of Boats," chapter 22 of title 46 and shall also include the power to:

17 (I) Execute all warrants and search warrants for the violation of laws, rules, and  
18 regulations relating to the act.

19 (II) Serve subpoenas issued for the trial of all offenses hereunder.

20 (III) To carry firearms or other weapons, concealed or otherwise, in the course of, and in  
21 performance of, their duties under this chapter.

22 (IV) To arrest without warrant and on view any person found violating any law, rule, or  
23 regulation relating to the act; take that person before a court having jurisdiction for trial; detain  
24 that person in custody at the expense of the state until arraignment; and to make and execute  
25 complaints within any district to the justice or clerk of the court against any person for any of the  
26 offenses enumerated under the act committed within the district.

27 (V) Boating safety enforcement officers shall not be required to give surety for costs  
28 upon any complaint made by him or her.

29 (iii) The development and administration of a coordinated, safe boating program.

30 (iv) The establishment and enforcement of such rules and regulations as are deemed  
31 necessary to achieve the purposes of the Model Safe Boating Act as approved by the state boating  
32 law administrators.

33 (v) The state boating law administrator shall serve as the liaison to the United States  
34 Coast Guard.

1           (9) A division of marine fisheries management that shall carry out those functions of the  
2 department relating to the administration, management, and harvest of marine animal and plant  
3 species found in Rhode Island marine waters, including, but not limited to: stock assessments of  
4 marine species; harvest of marine species regulated under a regional or federal fisheries  
5 management plan; the review of aquaculture applications before the CRMC; a commercial fishing  
6 licensing program; fixing seasons, bag limits, size limits, possession limits, and methods of taking  
7 on any marine plant and animal species, and such other related functions and duties as may be  
8 assigned by the director.

9           SECTION 2. Section 20-1-21 of the General Laws in Chapter 20-1 entitled "General  
10 Provisions" is hereby amended to read as follows:

11           **20-1-21. General powers.**

12           (a) The following fees shall be established and paid to the department of environmental  
13 management for issuance of the following special permits:

14           Ferret Permit \$10.00

15           Scientific Collector's Permit \$25.00

16           (b) Any fees collected under authority of this section shall be deposited into restricted  
17 receipt accounts established by this title, as appropriate to the type of special permit issued, and  
18 shall be used only for the authorized purposes of the restricted receipt accounts. The accounts  
19 include, but are not limited to: fishing license account, hunting license account, wildlife fund.

20           (c) The ~~division~~ divisions of fish and wildlife and marine fisheries shall be authorized to  
21 establish fees for reference, educational and souvenir-type materials provided upon request to  
22 interested parties. Those materials include, but are not limited to: surveys, guides, maps, posters,  
23 reference and educational booklets and materials, and articles of clothing. No fee shall be  
24 required for any materials describing or implementing any licensing or regulatory authority of the  
25 ~~division~~ divisions. Any fees collected under authority of this section shall be deposited as general  
26 revenues.

27           SECTION 3. Sections 20-2-44 and 20-2-45 of the General Laws in Chapter 20-2 entitled  
28 "Licensing" are hereby amended to read as follows:

29           **20-2-44. Shellfish transplant program.**

30           In addition to any appropriation made pursuant to § 20-2-28.2, the general assembly shall  
31 appropriate from the general fund to the division of ~~fish and wildlife~~ marine fisheries, the amount  
32 it deems necessary for the purpose of maintaining a shellfish transplant program for the fiscal  
33 year ending June 30, 2000, and thereafter, the division of ~~fish and wildlife~~ marine fisheries shall  
34 develop a sustainable shellfish management plan.

1           **20-2-45. Narragansett Bay Oyster Restoration Act.**

2           (a) Findings of fact. The general assembly hereby finds and declares the following:

3           (1) Oyster fishery has historically been important to Rhode Island for economic and  
4 ecosystem benefits;

5           (2) The Rhode Island oyster fishery has been in deep decline and is a fraction of its  
6 historical levels due to disease;

7           (3) The development of indigenous disease-resistant oyster brood stock will assist in the  
8 restoration of the oyster population in Narragansett Bay;

9           (4) The plantings of indigenous disease-resistant oyster shellfish seed stock will increase  
10 the Narragansett Bay's oyster population and annual harvest; and

11           (5) An increase in oyster population will have a positive impact on the state's economy  
12 and the overall health of Narragansett Bay and its ecosystem.

13           (b) Authority to solicit federal funds for oyster restoration. The general assembly hereby  
14 vests in the director of the department of environmental management, acting through the division  
15 of ~~agriculture~~ marine fisheries, authority and responsibility to solicit annual federal funding,  
16 including but not limited to, funding from the United States departments of interior, agriculture  
17 and commerce for purposes of developing, restoring, and maintaining both the oyster population  
18 and oyster habitats in and around Narragansett Bay.

19           (c) Program to achieve oyster restoration in Narragansett Bay. The director of the  
20 department of environmental management shall work in conjunction with the aquaculture  
21 coordinator located in the coastal resources management council to develop programs that  
22 address the declining oyster population in Narragansett Bay and which programs shall further  
23 promote the development, restoration and maintenance of the oyster population and oyster  
24 habitats in and around Narragansett Bay, as set forth in this section.

25           SECTION 4. Section 20-3-1 of the General Laws in Chapter 20-3 entitled "Marine  
26 Fisheries Council" is hereby amended to read as follows:

27           **20-3-1. Council created -- Membership -- Compensation.**

28           There is hereby created a marine fisheries council. The council shall be composed of the  
29 director of the department of environmental management or the director's designee, who shall  
30 serve as chairperson and eight (8) private citizen members. The private citizen members shall be  
31 chosen from among those with skill, knowledge, and experience in the commercial fishing  
32 industry, the sport fishing industry, and in the conservation and management of fisheries  
33 resources and shall be appointed by the governor with the advice and consent of the senate. Three  
34 (3) of the private citizen members shall be representatives of the commercial fishing industry;

1 three (3) shall be representatives of the sport fishing industry; and the remaining two (2) shall  
2 have skill, knowledge, and experience in the conservation and management of fisheries resources  
3 and/or marine biology. The chairperson of the coastal resources management council and the  
4 chiefs of the divisions of enforcement and ~~fish and wildlife~~ [marine fisheries](#) in the department of  
5 environmental management shall serve in an advisory capacity to the council. Members of the  
6 council shall serve for a term of four (4) years and may not succeed themselves more than once  
7 after January 1, 2002. Initial appointments to the council shall be appointed as follows: three (3)  
8 members for a term of two (2) years, three (3) members for a term of three (3) years, and two (2)  
9 members for a term of four (4) years. All members of the council shall serve without  
10 compensation and shall be reimbursed for their necessary expenses incurred in travel and in the  
11 performance of their duties.

12 SECTION 5. Section 20-9-3 of the General Laws in Chapter 20-9 entitled "Cooperation  
13 in Federal Projects" is hereby amended to read as follows:

14 **20-9-3. Assent to fish restoration and management projects.**

15 The state of Rhode Island assents to the provisions of the act of congress, entitled "An  
16 Act to Provide that the United States Shall Aid the States in Fish Restoration and Management  
17 Projects, and for Other Purposes", 16 U.S.C. § 777 et seq., and the division of fish and wildlife  
18 [and/or marine fisheries](#), with the approval of the director of environmental management, is hereby  
19 authorized, empowered, and directed to perform any acts as may be necessary to the conduct and  
20 establishment of fish restoration and management projects, as defined in that act of congress, in  
21 compliance with that act and with rules and regulations promulgated by the secretary of the  
22 interior under that act, and no funds accruing to the state from license fees or interest from license  
23 fee accounts paid by fishers shall be diverted for any other purpose than the administration of the  
24 division of fish and wildlife [and/or marine fisheries](#) of the department of environmental  
25 management.

26 SECTION 6. Section 20-10-1.1 of the General Laws in Chapter 20-10 entitled  
27 "Aquaculture" is hereby amended to read as follows:

28 **20-10-1.1. Creation of the Biosecurity Board.**

29 There shall be a biosecurity board within the coastal resources management council,  
30 (hereinafter referred to as "CRMC"), which shall meet, at minimum, on a quarterly basis and shall  
31 be composed of seven (7) members to be designated by the executive director of the CRMC, or  
32 his or her designee, with council approval. The council shall select a chair from among the board  
33 members, one of whom shall be the executive director of the CRMC or his or her designee, one of  
34 whom shall be the state veterinarian or an individual certified in veterinary medicine, with a

1 specialty in aquatic diseases, or by the American Fisheries Society, one of whom shall be a  
2 certified medical doctor or a person with a Ph.D. in public health, one of whom shall be a  
3 representative of the division of ~~fish and wildlife~~ [marine fisheries](#), one of whom shall be a  
4 representative of the marine fisheries council, one of whom shall be a representative from the  
5 aquaculture industry and one of whom shall be a faculty member of the University of Rhode  
6 Island, Department of Fisheries, Animals and Veterinary Science.

7 SECTION 7. Sections 20-38-3 and 20-38-4 of the General Laws in Chapter 20-38  
8 entitled "The Rhode Island Seafood Marketing Collaborative of 2011" are hereby amended to  
9 read as follows:

10 **20-38-3. Definitions.**

11 When used in this chapter, the following terms shall have the following meanings:

12 (1) "Collaborative" means the Rhode Island seafood marketing collaborative established  
13 under § 20-38-4;

14 (2) "Rhode Island's local fishermen and aquaculturists" means commercial fishermen and  
15 aquaculturists licensed in the state of Rhode Island.

16 (3) "State agencies" means state entities responsible for the implementation of Rhode  
17 Island's fishery management and economic development, including, but not be limited to:

18 (i) The department of environmental management, which shall include:

19 (A) The division of agriculture and

20 (B) The division of ~~fish and wildlife~~ [marine fisheries](#);

21 (ii) The commerce corporation;

22 (iii) The coastal resources management council;

23 (iv) The department of health;

24 (v) The department of administration.

25 (4) "Aquaculture" means the farming of aquatic organisms such as fish, crustaceans,  
26 mollusks, and aquatic plants.

27 (5) "Sustainable food system" means one in which resources (including natural resources,  
28 such as soil and water, as well as human resources, such as labor) are used at, or below, their rate  
29 of recovery.

30 (6) "Seafood dealers" means any person engaged in purchasing, raising, propagating,  
31 breeding, or acquiring or possessing live fish or fish eggs to be sold or furnished to others for the  
32 purpose of resale licensed in the State of Rhode Island.

33 (7) [Deleted by P.L. 2015, ch. 100, § 1 and P.L. 2015, ch. 111, § 1].

34 **20-38-4. Collaborative established.**

1 (a) There is hereby created a collaborative known as "The Rhode Island seafood  
2 marketing collaborative" consisting of nineteen (19) members as follows:

3 (1) The director of the department of environmental management, or his or her designee,  
4 who shall serve as chairperson;

5 (2) The executive director of the commerce corporation, or his or her designee;

6 (3) The chief of the division of ~~fish and wildlife~~ [marine fisheries](#) of the department of  
7 environmental management, or his or her designee;

8 (4) The director of the department of health, or his or her designee;

9 (5) The chief of the division of agriculture of the department of environmental  
10 management, or his or her designee;

11 (6) The executive director of the coastal resources management council, or his or her  
12 designee;

13 (7) The director of administration, or his or her designee;

14 (8) The dean of the university of Rhode Island college of environment and life sciences,  
15 or his or her designee;

16 (9) The director of the Rhode Island sea grant program, or his or her designee; and

17 (10) Ten (10) additional members, each of whom shall be appointed by the director of the  
18 department of environmental management, in accordance with the following categories:

19 (i) Two (2) Rhode Island-based dealers/wholesalers/processors who purchase and sell  
20 finfish, shellfish, and/or crustaceans;

21 (ii) Two (2) commercial aquaculturists;

22 (iii) A Rhode Island-based retailer of seafood products associated with a restaurant or  
23 restaurant organization;

24 (iv) A Rhode Island-based retailer of seafood products associated with an independent or  
25 franchised store;

26 (v) Two (2) commercial fishermen licensed to harvest and/or land in Rhode Island;

27 (vi) A member of an independent organization or association representing the Rhode  
28 Island hospitality industry;

29 (vii) An economist with expertise in seafood marketing.

30 (b) Forthwith upon the passage of this chapter, the members of the collaborative shall  
31 meet at the call of the chairperson and organize. Thereafter, the collaborative shall meet at the call  
32 of the chairperson or three (3) members of the collaborative.

33 (c) All departments and agencies of the state shall furnish such advice and information,  
34 documentation, and otherwise to the collaborative and its agents as is deemed necessary or

1 desirable by the collaborative to facilitate the purposes of this chapter.

2 (d) The members of the collaborative shall receive no compensation for their services.

3 SECTION 8. This act shall take effect upon passage.

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LC001735/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

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1           This act would create a division of marine fisheries management within the department of  
2 environmental management to manage saltwater fish and plant harvesting and would amend the  
3 appropriate chapters of title 20 to reflect the change.

4           This act would take effect upon passage.

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